

1 The Hon. Thomas S. Zilly
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTHER HOFFMAN; SARAH DOUGLASS;
ANTHONY KIM; and IL KIM and DARIA
KIM, husband and wife and the marital
community comprised thereof, on behalf of
themselves and on behalf of others similarly
situated,

Plaintiffs,

vs.

TRANSWORLD SYSTEMS
INCORPORATED; PATENAUME AND
FELIX, A.P.C.; MATTHEW CHEUNG, and the
marital community comprised of MATTHEW
CHEUNG and JANE DOE CHEUNG; National
Collegiate Student Loan Trust 2004-2; National
Collegiate Student Loan Trust 2005-2; National
Collegiate Student Loan Trust 2005-3; National
Collegiate Student Loan Trust 2006-1; National
Collegiate Student Loan Trust 2006-3; National
Collegiate Student Loan Trust 2007-4,

Defendants.

Case No. C18-1132 TSZ

STIPULATED MOTION AND
ORDER CONTINUING DEADLINE
FOR PLAINTIFFS' RESPONSE TO
MOTION FOR SUMMARY
JUDGMENT AND CONCERNING
DISCOVERY AND RELATED
ISSUES

I. STIPULATED MOTION

Pursuant to LCR 7(d)(1) and 10(g), Plaintiffs and Defendants hereby submit this

STIPULATED MOTION AND ORDER - 1
(Case No. C18-1132 TSZ)

Berry & Beckett

1708 Bellevue Avenue
Seattle, WA 98122
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1 stipulated motion for entry of an order continuing the deadline for Plaintiffs to file their response
 2 to Transworld Systems Inc.’s (“TSI’s”) Motion for Summary Judgment and concerning
 3 discovery issues and related deadlines. In support of this motion, the parties stipulate and submit
 4 the following to the Court:

5 1. On July 20, 2021, the Court granted TSI’s motion for protective order (Dkt.
 6 #191). Subsequently, on February 8, 2022, the Court granted in part and denied in part
 7 Plaintiffs’ Motion to Compel Testimony (Dkt. #258).

8 2. On March 8, 2022, Plaintiffs resumed their deposition of TSI’s Fed. R. Civ. P.
 9 30(b)(6) designated representative (“Designated Representative”). During the deposition, the
 10 Parties disputed the scope of the Court’s February 8, 2022 Order, (Dkt. #258), and the witness
 11 was instructed not to answer based on privilege as to some subjects inquired into by Plaintiffs.
 12

13 3. The Plaintiffs intend to file a motion for a Court order concerning the instructions
 14 to the Designated Representative to not answer the questions and will seek, *inter alia*, an order
 15 requiring the Designated Representative to answer those questions.

16 4. Following the Court’s February 8, 2022 Order (Dkt. #258), TSI agreed to make its
 17 employee, Jonathan Boyd, available for further deposition. Mr. Boyd’s resumed deposition was
 18 scheduled to occur on March 10, 2022. In view of Plaintiff’s intent to file a motion related to the
 19 Designated Representative’s continuation deposition, Plaintiffs requested and TSI agreed that the
 20 issues should be resolved by the Court prior to Mr. Boyd’s resumed deposition.
 21

22 5. On February 10, 2022, the Court entered an Order re-noting to April 15, 2022,
 23 TSI’s Motion for Summary Judgment (Dkt. #161), and requiring Plaintiffs’ response to the
 24 motion to be filed by March 18, 2022.
 25

26 STIPULATED MOTION AND ORDER - 2
 (Case No. C18-1132 TSZ)

6. The Court's February 10, 2022 Order also re-noted to April 15, 2022 Plaintiffs' Motion for Class Certification.

7. Any motion concerning the instructions to the Designated Representative to not answer questions at the March 8, 2022 deposition should be filed by March 17, 2022, and noted for consideration on April 1, 2022.

8. The Parties stipulate and agree, subject to Court approval, that the current filing deadlines and noting dates for TSI's Motion for Summary Judgment (Dkt. 161) and responses thereto, and Plaintiffs' Motion for Class Certification (Dkt. 232) and responses thereto are stayed until further Order of the Court.

9. Within five (5) days of the Court's decision on any motion concerning the scope of the Designated Representative's required testimony, the parties shall meet and confer and attempt to agree on new filing deadline and noting dates for TSI's Motion for Summary Judgment (Dkt. #161) and responses thereto on a schedule similar to the current briefing schedule and Plaintiffs' Motion for Class Certification (Dkt. #232) and responses thereto on a schedule similar to the current briefing schedule; for the completion of Jonathan Boyd's deposition and, if required by the Court's decision, the continuation of the Designated Representative's deposition. In the event the parties cannot agree on any such dates, the Plaintiffs and Defendants shall each submit their proposals for such dates to the Court within eight (8) days of the Court's decision on Plaintiffs' motion.

10. All other case deadlines imposed by previous orders shall remain in full force and effect.

SO STIPULATED THIS 13 day of March, 2022.

STIPULATED MOTION AND ORDER - 3
(Case No. C18-1132 TSZ)

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39 STIPULATED MOTION AND ORDER - 4
40 (Case No. C18-1132 TSZ)

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11 **II. ORDER**

12 The Court having considered the foregoing stipulated motion, and finding that good
13 cause has been shown for the requested relief, now therefore, it is hereby

14 ORDERED as follows:

15 1. Any motion concerning the scope of any continuation deposition of TSI's
16 Designated Representative should be filed by March 17, 2022, and noted for consideration on
17 April 1, 2022.

18 2. The filing deadline and noting dates for TSI's Motion for Summary Judgment
19 (Dkt. #161) and responses thereto, Plaintiffs' Motion for Class Certification (Dkt. #232) and
20 responses thereto are STRICKEN until further Order of the Court.

21 3. Within five (5) days of the Court's decision on any motion concerning the
22 continuation deposition of TSI's Designated Representative, the parties shall meet and confer to
23 agree on a new filing deadline and noting dates for TSI's Motion for Summary Judgment (Dkt.
24 #161) and responses thereto, and Plaintiffs' Motion for Class Certification (Dkt. #232) and
25 responses thereto; for the completion of Jonathan Boyd's deposition and, if required by the
Court's decision, the continuation of TSI's Designated Representative's deposition. In the event
the parties cannot agree on any such dates, the Plaintiffs and Defendants shall each submit their
proposals for such dates to the Court within eight (8) days of the Court's decision.

26 STIPULATED MOTION AND ORDER - 6
(Case No. C18-1132 TSZ)

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4. All other case deadlines imposed by previous orders shall remain in full force and
effect.

DONE THIS 14th day of March 2022.

Thomas S. Zilly
United States District Judge